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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
2632	7

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/896,801	CARINI, JOHN J.	
	Examiner	Art Unit	
	Davetta W. Goins	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-11,13-22 and 24-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-11,13-22 and 24-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rushing (US Pat. 5,641,241) in view of Magdaleno, II et al. (US Pat. 5,641,241).

In reference to claims 1, 15, Rushing discloses the claimed supports which are positionable in a spaced-apart fashion across a path to be closed and which comprise stanchions and bases which hold the stanchions, and a lightable rope which is fastenable to the supports to close the path to vehicular traffic and which is energizable by a single electrical power, which is met by barrier 12 including a plurality of paddles 24 (stanchions) separated an equal distance apart, each paddle including a body portion 26 and a base portion 28; a lighting tubing 36 is threaded through the orifice 44 of the glare paddles 24; the device powered by an electrical power device 40 (col. 2, lines 47-67; col. 3, lines 16-57). Although Rushing does not specifically disclose the claimed barricade system for an airport taxiway, he does disclose the median barrier 12 is used for highway industry to provide lengths of a continuous barrier between automobile traffic moving in opposite directions (col. 2, lines 48-56). Magdaleno discloses a programmable infrared marker used as a portable landing zone marker used for an aircraft landing zone (col. 1, lines 60-67). Since Rushing discloses a mounted median barrier 12, used to block traffic on a highway, it

would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using a portable barrier placed along an airport taxiway (or at "any" location), as disclosed by Magdaleno, with the system of Rushing, to ensure that traffic will adhere to the illuminating device and allow traffic to be blocked.

3. Claims 2, 3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rushing in view of Magdaleno, II et al as applied to claim1 above, and further in view of Chien.

In reference to claims 2, 3, 8-10, although Rushing does not specifically disclose the claimed electrical power source comprising a generator, he does disclose a power source 40 used to provide electrical power to the lighting tubing 36 (col. 3, lines 67-67; col. 4, lines 1-4). Magdaleno also discloses a marker for an aircraft landing zone comprising batteries 103 and a circuit board 101 for providing programmed flashing patterns (col. 2, lines 25-29). Chien discloses electro-luminescent lighting elements including a power source which can include a DC power source and inverter, or an AC power source (electrical outlet), batteries, or a generator, or any other convenient source of electrical power (col. 7, lines 18-29). Since both Rushing and Magdaleno disclose a lighting strip powered by a power source, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using a generator and/or electrical outlet, as disclosed by Chien, with the system of Rushing, to ensure that enough power will be provided to the lighting strip for long periods of time.

4. Claims 4, 6, 7, 11, 13, 17-22, 24, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rushing in view of Magdaleno, II et al. as applied to claim 1 above, and further in view of York (US Pat. 4,090,472).

In reference to claims 4, 11, 22, 32, although Rushing does not disclose the claimed barricade system further comprising trailer; a reel carried by the trailer and on which the lightable rope can be retained, wherein the lightable rope includes a first end which is attached to one of the supports and a second end which is supported by the reel, he does disclose a barrier 12 including a plurality of paddles 24 (stanchions) separated an equal distance apart, each paddle including a body portion 26 and a base portion 28; a lighting tubing 36 is threaded through the orifice 44 of the glare paddles 24 (col. 2, lines 47-67; col. 3, lines 16-57). Magdaleno discloses a programmable infrared marker used as a portable landing zone marker used for an aircraft landing zone (col. 1, lines 60-67). Magdaleno also discloses a reel and wind-up housing 101, on which the light emitting diode strip 102 is rolled up on a reel. To deploy the marker the strip is staked at one end and the strip is simply unrolled off the reel (col. 2, lines 25-39). York discloses a fencing system comprising a trailer 10, a plurality of posts 52, a flexible hot line 54 and warning or guard line 56 which are pulled from the trailer's reel 118, all within the trailer (col. 5, lines 7-20, col. 9, lines 60-68, and Fig. 3). Since both Rushing, Magdaleno and York disclose systems used to block off a pathway by the use of a "flexible" cord, rope, or cable, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a reel, as disclosed by Magdaleno and York, with the system of Rushing, as well as a trailer for mounting and storing the illuminated rope until it's needed.

In reference to claim 6, although Rushing does not specifically disclose the claimed stanchions are removable from the bases, he does disclose a light rope 36 placed through vertical slots 30; the median barrier 12 used for mounting along a highway; the mounting device including a plurality of paddles 24 as well as a circular base portion 28 (col. 2, lines 46-67; col. 3, lines 16-35). York discloses a fencing system including a plurality of posts 52 set up to hold a flexible hot line 54 and warning or guard line 56 (col. 5, lines 7-20). York also discloses subassemblies 38 with tubular sleeves 42 positioned to be inserted into an extending ground plate 40. Since Rushing disclose the use of paddles (stanchions) to support an illuminated rope, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the concept of providing a stanchion with a removable base, such as the support for the trailer used in York, with the system of Rushing, to ensure that the stanchions may be adjusted in height and are stable when placed in the road.

In reference to claim 7, although Rushing does not disclose the claimed stanchions further comprising clips, he does disclose a lighting tubing 36 is threaded through the orifice 44 of the glare paddles 24 (col. 2, lines 47-67; col. 3, lines 16-57). York discloses clips (col. 11, lines 28-32). Since Rushing discloses a means for mounting the lighting tube, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of providing clips as a mounting means, with the system of Rushing, to provide an alternative means for connecting the light rope to the stanchion.

In reference to claims 13, 24, Rushing discloses the claimed supports positioned in a spaced-apart fashion, and a lightable rope fastened to the supports to close an area to vehicular traffic and which is energized by a single electrical power source, which is met by barrier 12 including a plurality of paddles 24 (stanchions) separated an equal distance apart, each paddle including a body portion 26 and a base portion 28; a lighting tubing 36 is threaded through the orifice 44 of the glare paddles 24; the system is powered by a main power supply 40 (col. 2, lines 47-67; col. 3, lines 16-57). Rushing does not specifically disclose the claimed path is an airport taxiway, he does disclose that the electro-luminescent lighting elements 115 are used for roadside installation by a jersey barrier 116, street barricade 117, guard rail installation 118, and traffic cone/barrier (stanchions) set up 119 (col. 11, lines 1-14 and Figure 6D). Any fastening means can be used including clips (col. 11, lines 28-32). Although Rushing does not specifically disclose the claimed barricade system for an airport taxiway, he does disclose the median barrier 12 is used for highway industry to provide lengths of a continuous barrier between automobile traffic moving in opposite directions (col. 2, lines 48-56). Magdaleno discloses a programmable infrared marker used as a portable landing zone marker used for an aircraft landing zone (col. 1, lines 60-67). Magdaleno also discloses a reel and wind-up housing 101, on which the light emitting diode strip 102 is rolled up on a reel. To deploy the marker the strip is staked at one end and the strip is simply unrolled off the reel (col. 2, lines 25-39). Rushing does not disclose that the supports and the lightable rope are sufficiently frangible. York also discloses subassemblies 38 with tubular sleeves 42 positioned to be inserted into an extending ground plate 40. Since Rushing discloses a mounted median barrier 12, used to block traffic on a highway, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate

the teaching of using a portable barrier placed along an airport taxiway (or at "any" location), as disclosed by Magdaleno, as well as the frangible supports and rope, as disclosed by York, with the system of Rushing, to ensure that traffic will adhere to the illuminating device and allow traffic to be blocked and to ensure that the stanchions may be adjusted in height and are stable when placed in the road.

In reference to claim 17, Rushing discloses the claimed positioning bases across the path in a spaced apart flashing, fastening a lightable rope to the stanchions to close the path to vehicular traffic, and energizing the lightable rope with a signal electrical power source, which is met by barrier 12 including a plurality of paddles 24 (stanchions) separated an equal distance apart, each paddle including a body portion 26 and a base portion 28; a lighting tubing 36 is threaded through the orifice 44 of the glare paddles 24; the device powered by an electrical power device 40 (col. 2, lines 47-67; col. 3, lines 16-57). Although Rushing does not specifically disclose the claimed barricade system for an airport taxiway, he does disclose the median barrier 12 is used for highway industry to provide lengths of a continuous barrier between automobile traffic moving in opposite directions (col. 2, lines 48-56). Magdaleno discloses a programmable infrared marker used as a portable landing zone marker used for an aircraft landing zone (col. 1, lines 60-67). Although Rushing does not specifically disclose the claimed stanchions are removable from the bases, he does disclose a light rope 36 placed through vertical slots 30; the median barrier 12 used for mounting along a highway; the mounting device including a plurality of paddles 24 as well as a circular base portion 28 (col. 2, lines 46-67; col. 3, lines 16-35). York discloses a fencing system including a plurality of posts 52 set up to hold a flexible hot line 54

and warning or guard line 56 (col. 5, lines 7-20). York also discloses subassemblies 38 with tubular sleeves 42 positioned to be inserted into an extending ground plate 40. Since Rushing discloses a mounted median barrier 12, used to block traffic on a highway, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using a portable barrier placed along an airport taxiway (or at "any" location), as disclosed by Magdaleno, as well as use the concept of providing a stanchion with a removable base, such as the support for the trailer used in York, with the system of Rushing, to ensure that the stanchions may be adjusted in height and are stable when placed in the road and ensure that traffic will adhere to the illuminating device and allow traffic to be blocked.

In reference to claims 18-20, although Rushing does not specifically disclose the claimed electrical power source comprising regulating the supply of power to the lightable rope, he does disclose a power source 40 used to provide electrical power to the lighting tubing 36 (col. 3, lines 67-67; col. 4, lines 1-4). Magdaleno also discloses a marker for an aircraft landing zone comprising batteries 103 (col. 2, lines 25-29). Since both Rushing and Magdaleno disclose a lighting strip powered by a power source, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of regulating the power, the frequency, and duration, as disclosed by Magdaleno, with the system of Rushing, to ensure that enough power will be provided to the lighting strip for long periods of time.

In reference to claims 21, 22, although Rushing does not specifically disclose the claimed method of de-energizing the lightable rope, removing the lightable rope from the supports, and

removing the supports from the path, he does disclose barrier 12 including a plurality of paddles 24 (stanchions) separated an equal distance apart, each paddle including a body portion 26 and a base portion 28; a lighting tubing 36 is threaded through the orifice 44 of the glare paddles 24; the device powered by an electrical power device 40 (col. 2, lines 47-67; col. 3, lines 16-57). Although Rushing does not specifically disclose the claimed barricade system for an airport taxiway, he does disclose the median barrier 12 is used for highway industry to provide lengths of a continuous barrier between automobile traffic moving in opposite directions (col. 2, lines 48-56). Magdaleno discloses a programmable infrared marker used as a portable landing zone marker used for an aircraft landing zone (col. 1, lines 60-67). Magdaleno also discloses a reel and wind-up housing 101, on which the light emitting diode strip 102 is rolled up on a reel. To deploy the marker the strip is staked at one end and the strip is simply unrolled off the reel (col. 2, lines 25-39). Although Rushing does not specifically disclose the claimed method of removing the stanchions and the bases, he does disclose a light rope 36 placed through vertical slots 30; the median barrier 12 used for mounting along a highway; the mounting device including a plurality of paddles 24 as well as a circular base portion 28 (col. 2, lines 46-67; col. 3, lines 16-35). York discloses a fencing system including a plurality of posts 52 set up to hold a flexible hot line 54 and warning or guard line 56 (col. 5, lines 7-20). York also discloses subassemblies 38 with tubular sleeves 42 positioned to be inserted into an extending ground plate 40. Since Rushing discloses a mounted median barrier 12, used to block traffic on a highway, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using a portable barrier placed along an airport taxiway (or at "any" location), as disclosed by Magdaleno, as well as use the concept of providing a stanchion with a

removable base, such as the support for the trailer used in York, with the system of Rushing, to ensure that the stanchions may be adjusted in height and are stable when placed in the road and ensure that traffic will adhere to the illuminating device and allow traffic to be blocked.

5. Claims 14, 16, 25-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over York in view of Chien and further in view of Magdaleno, II et al.

In reference to claims 14, 16, 31, 33, York discloses the claimed trailer, supports carried on the trailer and positioned in a spaced-apart fashion on a path to be closed, and a portable generator supported by the trailer, as well as a reel which is carried by the trailer, and a reel assembly 106, which is met by a fencing system comprising a trailer 10, a plurality of posts 52, a flexible hot line 54 and warning or guard line 56 which are pulled from the trailer's reel 118, all within the trailer (col. 5, lines 7-20, col. 9, lines 60-68, Fig. 3, and Fig. 7). A side wall 18 of the trailer 10 includes a power source for providing power to the electrified fences (regulating the power) (col. 6, lines 48-62). Chien discloses an electro-luminescent lighting elements 115 are used for roadside installation by a jersey barrier 116, street barricade 117, guard rail installation 118, and traffic cone/barrier (stanchions) set up 119 for providing a sign 119' to be placed along the lightable rope (col. 11, lines 1-14 and Figure 6D). York does not disclose the claimed device placed along an airport taxiway. Magdaleno discloses a programmable infrared marker used as a portable landing zone marker used for an aircraft landing zone (col. 1, lines 60-67). Magdaleno also discloses a reel and wind-up housing 101, on which the light emitting diode strip 102 is rolled up on a reel. To deploy the marker the strip is staked at one end and the strip is simply

unrolled off the reel (col. 2, lines 25-39). Since York discloses a trailer system including a means for blocking off a specific with an electric cabling device, it would have been obvious to one of ordinary skill in the art at the time of the invention, to incorporate an illuminated rope and provide a signage, as disclosed by Chien, and place the device along an airport taxiway, as disclosed by Magdaleno, with the system of York, and place the signage on at least one stanchion to ensure that traffic will adhere to the illuminating device and allow traffic to be blocked.

In reference to claims 25, 29, York does not specifically disclose the claimed method of transporting a barricade system including a trailer, supports which are carried on the trailer, a lightable rope, removing the supports from the trailer, positioning the supports across the path, unwinding the rope, fastening the rope, and lighting the rope with a generator, or transporting the trailer to a positioned located laterally adjacent the path. However, he does disclose a trailer 10, a plurality of posts 52, a flexible hot line 54 and warning or guard line 56 which are pulled from the trailer's reel 118, all within the trailer. The hot line and guard line are supported on the posts 52 through receiving aperture 68 and main flange 60 an cross flange 62 (col. 5, lines 7-36, col. 9, lines 60-68, and Fig. 3). A side wall 18 of the trailer 10 includes a power source for providing power to the electrified fences (regulating the power) (col. 6, lines 48-62). Chien discloses an electro-luminescent lighting elements 115 are used for roadside installation by a jersey barrier 116, street barricade 117, guard rail installation 118, and traffic cone/barrier (stanchions) set up 119 (col. 11, lines 1-14 and Figure 6D). York does not disclose the claimed method of positioning the trailer in a position spaced from the airport taxiway. Magdaleno discloses a

programmable infrared marker used as a portable landing zone marker used for an aircraft landing zone (col. 1, lines 60-67). Magdaleno also discloses a reel and wind-up housing 101, on which the light emitting diode strip 102 is rolled up on a reel. To deploy the marker the strip is staked at one end and the strip is simply unrolled off the reel (col. 2, lines 25-39). Since York discloses a trailer system including a means for blocking off a specific with an electric cabling device, it would have been obvious to one of ordinary skill in the art at the time of the invention, to incorporate an illuminated rope, as disclosed by Chien, as well as the method of placing the barrier along an airport taxiway, as disclosed by Magdaleno, with the system of York, to prevent traffic from entering the blocked off location.

In reference to claims 26-28, although York does not disclose the claimed supply of electrical power is from a generator, he does disclose of power from a battery to control the electrified fences (col. 6, lines 48-62). Chien discloses a DC power source and inverter, or an AC power source (electrical outlet), batteries, or a generator, or any other convenient source of electrical power (col. 7, lines 18-29). A control circuit 19 as well as frequency control or adjustment circuit 28 are part of the lighting elements (col. 8, lines 1-4). Since both York and Chien disclose the use of power to operate their barricade systems, it would have been obvious to one of ordinary skill in the art at the time of the invention, to incorporate the use of a generator with a frequency regulator, as disclosed by Chien, with the system of York, to provide continuous power to operate the illuminated rope and provide patterns and partial length lighting effects.

In reference to claim 30, although York does not disclose the claimed method of de-energizing the lightable rope, removing the lightable rope from the supports, removing the supports from the path, and stowing the supports and lightable rope on the trailer, he does disclose a fencing system comprising a trailer 10, a plurality of posts 52, a flexible hot line 54 and warning or guard line 56 which are pulled from the trailer's reel 118, all within the trailer (col. 5, lines 7-20, col. 9, lines 60-68, and Fig. 3). A side wall 18 of the trailer 10 includes a power source for providing power to the electrified fences (regulating the power) (col. 6, lines 48-62). York does not disclose the claimed method of positioning the trailer in a position spaced from the airport taxiway. Magdaleno discloses a programmable infrared marker used as a portable landing zone marker used for an aircraft landing zone (col. 1, lines 60-67). Magdaleno also discloses a reel and wind-up housing 101, on which the light emitting diode strip 102 is rolled up on a reel. To deploy the marker the strip is staked at one end and the strip is simply unrolled off the reel (col. 2, lines 25-39). Since York discloses a system for setting up a fence, it would have been obvious to one of ordinary skill in the art at the time of the invention to methodically cut the power off, remove the rope, as well as remove the barricade (supports), to allow traffic to pass after the barrier is no longer needed as well as remove the supports from an airport taxiway, as disclosed by Magdaleno, as a means for providing an indication to the nearby drivers and aircraft that the protected area can now be used.

6. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.

Davetta W. Goins
Art Unit 2632

D.W.G.
September 11, 2003